

Panaji, 16th February, 2023 (Magha 27, 1944)

SERIES II No. 46

OFFICIAL GAZETTE

GOVERNMENT OF GOA

PUBLISHED BY AUTHORITY

Note:- There is one Extraordinary issue to the Official Gazette, Series II No. 45 dated 09-02-2023 namely, Extraordinary dated 09-02-2023 from pages 2845 to 2846 regarding Notice of Election and Public Notice from Department of Panchayati Raj and Community Development.

GOVERNMENT OF GOA

Department of Agriculture
Directorate of Agriculture

Order

No. 2/14/95/Agri(Part)/Vol-II/1971

Read: Order No. 2/14/95/Agri(Part)/Vol.II/1521
dated 01-12-2022.

The transfer of the Officers at Sr. No. 1 & 2 in
the above referred Order is stands cancelled.

By order and in the name of the Governor of
Goa.

Nevil Alphonso, Director (Agriculture) & ex officio
Jt. Secretary.

Tonca, Caranzalem, 14th February, 2023.

Order

No. 2/25/2022-23/D.Agri/1981

On the recommendation of the Goa Public
Service Commission vide their letter No. COM/II/
/12/2(1)/2022/468 dated 27-01-2023, the probation
period of Shri Dattanand Kamat, Assistant
Engineer (Civil), Group 'B' Gazetted of this
Directorate in the pay scale of Rs. 9,300-34,800+
Rs. 4,600 Grade Pay (Level-7 of the 7th Pay
Commission Matrix) has been lifted, on
satisfactorily completion of probation period as
shown below:

Sr. No.	Name of the Officer	Date of appointment in regular service as Assistant Engineer (Civil)	Date of lifting of probation period
1.	Shri Dattanand Kamat	08-03-2019	07-03-2021.

By order and in the name of the Governor of
Goa.

Nevil Alphonso, Director (Agriculture) & ex officio
Jt. Secretary.

Tonca, Caranzalem, 14th February, 2023.

Order

No. 2/25/2022-23/D.Agri/1982

On the recommendation of the Goa Public Service
Commission vide their letter No. COM/II/
/12/2(3)/2014/467 dated 27-01-2023, the probation
period of Shri Kishor Bhawe, Assistant Director of
Agriculture/Subject Matter Specialist (Agronomy/
/Horticulture/Plant Protection), Group 'A' Gazetted
of this Directorate in the pay scale of Rs. 15,600-
39,100+Rs. 5,400 Grade Pay (Level-10 of the 7th
Pay Commission Matrix) has been lifted, on
satisfactorily completion of probation period as
shown below:

Sr. No.	Name of the Officer	Date of appointment in regular service as Assistant Director of Agriculture/Subject Matter Specialist (Agronomy/Horticulture/ /Plant Protection)	Date of lifting of probation period
1.	Shri Kishor Bhawe	20-09-2019	19-09-2021.

By order and in the name of the Governor of
Goa.

Nevil Alphonso, Director (Agriculture) & ex officio
Jt. Secretary.

Tonca, Caranzalem, 14th February, 2023.

Department of Co-operation

Office of the Registrar of Co-operative Societies

Notification

No. 3/11/Urban Credit/TS-II/NZ/2019/RCS/
/SUPPL/4280Read: 1) Notification No. 3/3/Urban Credit/TS II/PZ/
/2017/RCS/Suppl.5306 dated 10-02-2020.2) Order No. 3/11/Urban Credit/TS-II/NZ/
/2019/RCS/3828 dated 15-02-2021.3) Order No. 3/11/Urban Credit/TS-II/NZ/
/2019/RCS/3907 dated 29-03-2022.4) Letter No. JUUCCS/2022-23/BOD/395
dated 10-01-2023.5) Letter No. 4-4-00/TS/NZ/1/4215 dated
27-01-2023.

Whereas, vide Notification at reference No. 1 above issued by the Government exercising the powers under Section 126A of the Goa Co-operative Societies Act, 2001 (Goa Act 36 of 2001), (hereafter referred to as 'Act') the provision of sub-section (1) of Section 91D of the Act was modified and the Registrar of Co-operative Societies was authorized to appoint Officers of Co-operative Credit Societies, V. K. S. S. Societies having credit counters and Multipurpose Societies as Recovery Officer/Sale Officer upon receipt of individual proposals subject to the terms and conditions as may be incorporated in the Order.

And whereas, vide Order read at Sr. No. 2 above issued by the Registrar of Co-operative Societies, the General Manager of The Jana Utkarsh Urban Co-op. Credit Society Ltd., [Reg. No. Res. (a)-12/NZ/Goa dated 30-09-93] Khorlim, Mapusa-Goa, was delegated with the powers to recover certain sums by attachment and sale of property vested in Registrar of Co-operative Societies under Section 91D of the Goa Co-operative Societies Act, 2001 read with Rule 124 of the Goa Co-operative Societies Rules, 2003 subject to the following conditions:-

1. The Officer appointed and delegated with the powers of Sales-cum-Recovery Officer shall

work under the general guidance, superintendence and control of the Asstt. Registrar of Co-op. Societies, Arbitration/Execution, North Zone, Mapusa-Goa.

2. The Board of Directors of the society shall be fully responsible along with the General Manager for any acts in contravention of the Act, Rules and Bye-laws.

3. The Board of Directors shall review the performance of the General Manager every month and ensure compliance.

The delegation of powers was initially for a period of 1 year till 14-02-2022 and same was further extended vide order at ref. No. 3 above for another year from 15-02-2022 to 14-02-2023. And whereas vide letters at ref. Nos. 4 and 5 above, the Chairman of The Jana Utkarsh Urban Co-op. Credit Society Ltd., Khorlim, Mapusa-Goa has requested to grant further extension to the General Manager of their society to act as Sale-cum-Recovery Officer for their society.

Now, therefore in exercise of the powers conferred upon undersigned under Section 123B of the Goa Co-operative Societies Act, 2001 read with Notification read at ref. No. 1 above, the delegation of powers to General Manager of The Jana Utkarsh Urban Co-op. Credit Society Ltd., Khorlim, Mapusa-Goa, made vide order ref. No. 2 above is hereby further extended for a period of one year with commencing from 15-02-2023 to 14-02-2024.

All the terms and conditions mentioned in the Order referred to at Sr. No. 2 above shall continue to apply. The undersigned reserves the right to withdraw this Order at any stage without assigning any reasons.

Given under the seal of this office.

Vishant S. N. Gaunekar, Registrar (Co-operative Societies) & ex officio Joint Secretary (Co-operation).

Panaji, 8th February, 2023.

Office of the Asst. Registrar of Co-operative
Societies

No. 5/157/11-12/ARPZ/HSG/ADM/1732

Before the Co-operative Officer of Co-operative Societies, O/o the Asstt. Registrar of Co-op. Societies, Sahakar Bhavan, Curti, Ponda-Goa.

Judgement

Whereas, the Board of Directors of Sayyadri Niwas Co-operative Housing Society Ltd., Durgabhat, Ponda-Goa had incurred disqualification in terms of Section 61 of the Goa Co-operative Societies Act, 2001 for not complying statutory requirement of Section 72, 74 and Rule 52 (i) respectively of the Goa Co-operative Societies Act, 2001 and Rules, 2003.

And Whereas, the Board of Directors of the aforesaid society were disqualified for a period of 5 years for being chosen as directors and shall be ineligible to continue as directors of the said society by order dated 03-02-2023. On account of incurring deemed disqualification, the vacuume has been created. In order to fill the same vacuume and to manage the day to day affairs of the society, it is

necessary to appoint the Committee of Administrator/Administrator.

In view of the above circumstances, I am inclined to pass the following:

Order

In exercise of the power delegated to me vide notification dated 30-09-2020 under Section 67A of the Goa Co-op. Societies Act, 2001, I, Smt. Sangita S. Naik, Co-operative Officer/Special Auditor, Co-op. Societies, Ponda Zone, Ponda-Goa hereby appoint Shri Shripad Kamat, as an administrator of Sayyadri Niwas Co-operative Housing Society Ltd., Durgabhat, Ponda-Goa in order to manage the affairs of the society for a period of six months or till the new Board of Directors enters upon the office. The Administrator so appointed shall make necessary arrangement to get the accounts of the society up to date audited and to constitute new Board of Directors.

Given under my hand and seal on this 3rd day of February, 2023.

Sangita S. Naik, Co-operative Officer (Co-op. Societies), Ponda Zone.

Ponda, 06th February, 2023.



Department of Environment & Climate Change

Order

No. 7/4/98/ENVT&CC/DIR/Part III/1508

- Read: i) Notification No. 7/4/98/STE-DIR/Part I/922 dated 04-12-2007.
ii) Addendum No. 7/4/98/STE-DIR/Part I/1545 dated 15-01-2010.
iii) Addendum No. 7/4/98/STE-DIR/Part I/104 dated 23-04-2015.
iv) Addendum No. 7/4/98/STE-DIR/Part II/480 dated 12-09-2019.
v) Order No. 7/4/98/ENVT&CC/DIR/Part III/997 dated 09-11-2022.

Vide above read Notifications, the Government of Goa, in pursuance of Clause (c) of Rule 2 of the Noise Pollution (Regulation and Control) Rules, 2000 (hereinafter called the "said Rules"), has designated various Officers as 'Authority' for the maintenance of the ambient air quality standards in respect of noise under the said Rules.

2. The Hon'ble High Court of Bombay at Goa, Panaji vide its directives in MCA No. 588 of 2010 in *Suo Motu Writ Petition No. 4 of 2006 (The Citizens Committee on Noise Pollution v/s State of Goa)*; has directed that the list of the Officers designated as 'Authority' under the said Rules, should be published for information of the public alongwith details of their telephone numbers.

3. In pursuance of the directives of the Hon'ble High Court, Department of Environment & Climate Change, hereby publishes the names and telephone numbers of the Officers designated as 'Authority' under the said Rules, for general information of the public.

Sr. No.	Name and designation of the Officer	Office Tel. No.	Fax No.	Mobile No.
1	2	3	4	5
1.	Ms. Mamu Hage, IAS, Collector & District Magistrate, North Goa, Panaji	2223612 2225383 2427690 2225083	2426492	9953462311.
2.	Mr. Asvin Chandru, IAS Collector & District Magistrate, South Goa, Margao	2794412 2794414 2794415 2794416	2733026 2794402	9361128547.
3.	Mr. Sanjeev Gawasdesai, Addl. Collector-(I) & Addl. District Magistrate, North Goa, Panaji	2223418 2225383 2223612	2426492	9822383488.
4.	Mr. Srinet Kotwale, Addl. Collector-(I) & Addl. District Magistrate, South Goa, Margao	2794421 2794423	2733026	9422056976.
5.	Mr. Rajesh Azgaonkar, Dy. Collector & Sub-Divisional Magistrate, Tiswadi, Panaji	2225511	2225511	9921389999.
6.	Mr. Sitaram Sawal, Dy. Collector & Sub-Divisional Magistrate, Ponda	2312469	2312469	9511755108.
7.	Mr. Gurudas T. Dessai, Dy. Collector & Sub-Divisional Magistrate-I, Bardez, Mapusa	2250398	2262038	9422394914.
8.	Ms. Yashaswini B., IAS, Dy. Collector & Sub-Divisional Magistrate-II, Bardez, Mapusa	2262038 2250398	2262038	9731238209.
9.	Mr. Rohan Kaskar, Dy. Collector & Sub-Divisional Magistrate, Bicholim	2362058 2360254	2362058	9657104353.
10.	Mr. Deepak Vaingankar, Dy. Collector & Sub-Divisional Magistrate, Pernem	2201142	2201142	9075289929.
11.	Mr. Praveen Hare Parab, Dy. Collector & Sub-Divisional Magistrate, Satari	2374800	—	9923700405.
12.	Mr. Uday Prabhudesai, Dy. Collector & Sub-Divisional Magistrate, Salcete, Margao	2794145 2794146 2794109	—	9764480571.
13.	Mr. Ravishekar Nipanikar, Dy. Collector & Sub-Divisional Magistrate, Mormugao, Vasco	2500565	2512688	8767114825.
14.	Mrs. Sharmila Gaonkar, Dy. Collector & Sub-Divisional Magistrate, Quepem	2662241	2662228	9923581805.
15.	Mr. Milindera Ganesh Velip, Dy. Collector & Sub-Divisional Magistrate, Sanguem	2603141	—	8806325812.

1	2	3	4	5
16.	Mr. Ramesh N. Gaonkar, Dy. Collector & Sub-Divisional Magistrate, Canacona	2643696	2643696	9404758575.
17.	Mr. Nilesh Dhaigodkar, Dy. Collector & Sub-Divisional Magistrate, Dharbandora	2614111	2614037	9607447316.
18.	Mr. Nidin Valsan, IPS, Superintendent of Police (North Goa), Panaji	2416100	2416243	7875756017.
19.	Mr. Abhishek Dhania, IPS, Superintendent of Police (South Goa), Margao	2732218	2733864	7875756008.
20.	Mr. Sudhesh Naik, Sub-Divisional Police Officer, Tiswadi, Panaji	2226519	2226519	7875756021.
21.	Mr. Ashish Shirodkar, Sub-Divisional Police Officer, Ponda	2317978	2317978	7875756035.
22.	Mr. Shivendu Bhushan, IPS, Sub-Divisional Police Officer, Salcete, Margao	2714449 2710656 2714454 2794151	2714449	7875756038.
23.	Mr. Salim Shaikh, Sub-Divisional Police Officer, Mormugao, Vasco	2500222	2500222	7875756048.
24.	Mrs. Jivba Dalavi, Sub-Divisional Police Officer, Mapusa-I for Pernem, Mapusa, Colvale & Anjuna Police Stations	2262207	2262207	7875756025.
25.	Mr. Vishwesh Karpe, Sub-Divisional Police Officer, Porvorim for Calangute, Porvorim & Saligao Police Stations	2412723	2412723	7875756029.
26.	Mr. Nilesh Rane, Sub-Divisional Police Officer, Quepem	2663900	2663900	7875756043.
27.	Mr. Sagar Ekoskar, Sub-Divisional Police Officer, Bicholim & Sattari	2363737	2363737	7875756025.

This order shall supersede the Order No. 7/4/98/ENVT&CC/DIR/Part III/997 dated 09-11-2022.

Dr. Geeta S. Nagvenkar, Director/ex officio Jt. Secy. (Env. & CC).

Panaji, 9th February, 2023.

Department of Home
Foreigners and Citizenship Division

Notification

No. 6/2/2021-HD(F&CD)/HAJ/75

In exercise of the powers conferred by sub-section (1) of Section 17 read with Section 18 of the Haj Committee Act, 2002 (Central Act No. 35 of 2002), the Government of Goa hereby re-constitutes the Goa State Haj Committee, comprising of the following members, namely:-

1. Shri Urfan Mulla	—	Member.
2. Shri Molali Shaikh	—	Member.
3. Shri Hyder Shah	—	Member.
4. Shri Tabib Mamlekar	—	Member.
5. Shri Nazir Shaikh	—	Member.
6. Shri Mahboob Makandar	—	Member.
7. Shri Amin Khan	—	Member.
8. Shri Bashir Shaikh	—	Member.
9. Shri Shaikh Shaizin	—	Member.
10. Shri Azim Kamral	—	Member.
11. Shri Azim Khan	—	Member.
12. Shri Riyaz Shah	—	Member.
13. Shri Ikbal Jafar Sayed	—	Member.
14. Shri Sameer Palledar	—	Member.
15. Shri Lalla Shah	—	Member.
16. Under Secretary (Home)	—	Member Secretary.

The term of the above Committee shall be for a period of three years commencing on the day following the publication of this Notification in the Official Gazette.

By order and in the name of the Governor of Goa.

Vivek K. Naik, Under Secretary (Home-II).

Porvorim, 13th February, 2023.

◆◆◆
Department of Labour

Notification

No. 28/2/2023-LAB/90

The following Award passed by the Industrial Tribunal and Labour Court, at Panaji-Goa on 30-12-2022 in Appln. No. 02/2017 is hereby published

as required under Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947).

By order and in the name of the Governor of Goa.

Amalia O. F. Pinto, Under Secretary (Labour).

Porvorim, 27th January, 2023.

IN THE INDUSTRIAL TRIBUNAL
AND LABOUR COURT
GOVERNMENT OF GOA
AT PANAJI

(Before Mr. Anil Scaria, Hon'ble Presiding
Officer)

No. Appln. 02/2017

Mr. Leslie Fernandes,

Near the Church,

Neura, Ilhas-Goa

... Applicant/Party-I.

V/s

M/s. Wallace Pharmaceuticals Pvt. Ltd.,

Bethora, Ponda-Goa

... Opponent/Party-II.

Applicant/Party I represented by Learned Advocate P. J. Kamat.

Opponent/Party II represented by Learned Advocate Shri M. S. Bhandodkar.

AWARD

(Delivered on this the 30th day of the month of
December of the year 2022)

This is an Application under Section 2(A)(2) of the Industrial Disputes Act, 1947 (hereinafter called the "said Act").

2. The case of the Applicant/Party I is that the General Manager, HRD and the Administration of the Opponent/Party II appointed the Applicant/Party I as a Driver by letter dated 27-11-1995. That the appointment was with effect from 01-12-1995. That, the Applicant/Party I was confirmed by letter dated 18-07-1996.

3. That, subsequently, there were various disputes between the Applicant/Party I and the Opponent/Party II. That one of the disputes relates to transferring the Applicant/Party I to Dharwad in Karnataka State. That upon a reference, being IT/47/2007, Labour Court-II, Panaji had by Award dated 13-06-2013 held that the transfer amounted to refusal of employment in Goa and held it to be bad-in-law and illegal. The Opponent/Party II was directed to re-instate the Applicant/Party I in service with 50% back wages.

4. That the Opponent/Party II had its Factory at Bethora, Ponda-Goa. That the Opponent/Party II wrote a letter and a Notice both dated 09-10-2015 to the Applicant/Party I. That by this letter and Notice, the Opponent/Party II informed the Applicant/Party I that all the operations in the Factory at Bethora will be discontinued from 11-10-2015. That by this letter the Opponent/Party II asked the Applicant/Party I to report to a site at Nalagarh in Himachal Pradesh. That the Applicant/Party I wrote letter dated 12-10-2015 to the Opponent/Party II. That by this letter the Applicant/Party I informed the Opponent/Party II that the action of the Opponent/Party II amounts to transferring of the Applicant/Party I. That by the letter the Opponent/Party II was also informed that such transfer is contrary to the Certified Standing Orders read with the Letter of Appointment of the Applicant/Party I. In this letter it was also stated that the transfer was in breach of Award dated 13-06-2013 of Labour Court-II at Panaji. That the Applicant/Party I went to the Factory at Bethora, Ponda on 12-10-2015 to report for work. That the Applicant/Party I was refused employment w.e.f. 12-10-2015.

5. That immediately on the refusal of employment to the Applicant/Party I by the Opponent/Party II, the Applicant/Party I on the same date wrote a letter dated 12-10-2015 to the Opponent/Party II contending that the action of the Opponent/Party II in refusing employment to the Applicant/Party I w.e.f. 12-10-2015 is illegal and non-est and that the Applicant/Party I be reinstated in service within 7 days of the receipt of the same. That the Opponent/Party II received the letter dated 12-10-2015. That the Opponent/Party II denied the contentions of the Applicant/Party I, by its reply dated 16-10-2015 and did not reinstate the Applicant/Party I at Bethora, Ponda.

6. That thereafter the Applicant/Party I raised a dispute before the Commissioner, Labour and Employment at Panaji-Goa for intervention by letter dated 19-10-2015. That the Asstt. Labour Commissioner and Conciliation Officer by its Notice No. IRM/CON/(24)/2015/5660 dated 20-11-2015 took up the matter for discussions on 26-11-2015 and 17-12-2015 and thereafter the matter was not taken up by the said Authority till date.

7. That the Opponent/Party II being a Factory is an industrial establishment as defined under Section 25 L of the said Act. That the Opponent/Party II has been employing more than 100 workmen from January, 2014 to 12-10-2015 and even prior to that

and thus is governed by Chapter VB of the Industrial Disputes Act, 1947. That the Gomantak Mazdoor Sangh, a Union of the workmen of the Opponent/Party I had raised an industrial dispute in the matter of Charter of Demands on the Opponent/Party II. That the Applicant/Party I is concerned in the said dispute as any settlement or Award will be applicable and binding on the Applicant/Party I. That the said Charter of Demands were not settled in conciliation and the Government of Goa referred the said dispute to the Industrial Tribunal and is pending adjudication in reference No. IT/40/2013. That the industrial dispute in reference No. IT/63/2012 and IT/23/2014 were also pending before the Industrial Tribunal in 2015. That the Applicant/Party I is also concerned with IT/63/2012 and IT/23/2014. That during the pendency of reference No. IT/28/2014, IT/63/2012 and IT/40/2013, the Opponent/Party II refused employment to the Applicant/Party I without taking the approval/permission of the Tribunal as required under Section 33 of the Industrial Disputes Act, 1947.

8. Therefore, it is prayed that it be declared that the refusal of employment to the Applicant/Party I w.e.f. 12-10-2015 on the pretext of discontinuation of manufacturing and other connected operations is illegal, bad in law and non-est. That it be held that the Applicant/Party I is entitled to full back wages and other benefits from the date of illegal refusal of employment to the date of Award or upto the date of his retirement during the pendency of this case. That it be held that the action of the Opponent/Party II is in breach of Chapter VB and Chapter VII of the Industrial Disputes Act, 1947 and for such other reliefs as this Tribunal deems fit.

9. That the Opponent/Party II has filed its Written Statement. The Opponent/Party II states that the Application has been made under Section 2A of the Industrial Disputes Act, 1947. That Section 2A of the Industrial Disputes Act, 1947 can be invoked when the Employer discharges, dismisses, retrenches or otherwise terminates the services of a workman. That the Opponent/Party II has not discharged, dismissed, retrenched or otherwise terminated the services of the Applicant/Party I. That this application is not maintainable. That the Opponent/Party II has also not discontinued the manufacturing or connected operations. That the Opponent/Party II has not committed any breach of Chapter VB of the Industrial Disputes Act, 1947. That this Tribunal does not have the jurisdiction to deal with matters in Chapter VB of the Industrial Disputes Act, 1947. That the Opponent/Party II started manufacturing pharmaceutical formulation at Ponda, Goa in the year

1968. That in the month of October, 2015, the Opponent/Party II decided to shift its manufacturing and connected activities to Nalagarh, Himachal Pradesh. That the reasons for the decision were given in Notice dated 09-10-2015. That the Opponent/Party II also issued letter dated 09-10-2015 to its workmen. That the Applicant/Party I has also been given the said letter. That by this letter the workmen were informed about the said decision and were asked to report to the establishment/Factory of the Opponent at Nalagarh, Himachal Pradesh on 16-11-2015. That all the workmen were granted Special Leave from 09-10-2015 to 16-11-2015 for reporting at the Factory/ Site of the Opponent/Party II at Nalagarh, Himachal Pradesh. It is denied that letter dated 09-10-2015 is a Transfer Order and is in contravention of the Certified Standing Orders read with the letter of appointment of the Applicant/Party I. It is also stated that the alleged transfer is non-est and illegal.

10. That the Applicant/Party I did not report for duty at Nalagarh, Himachal Pradesh. That the Award dated 13-06-2013 passed by the Labour Court-II at Panaji in reference No. IT/47/2007 is irrelevant in the present case. That the said Award dated 13-06-2013 has been challenged in Writ Petition No. 93/2014 before the Hon'ble High Court of Bombay at Goa. That there is no question of the Applicant/Party I reporting for work at Ponda on 12-10-2015. It is denied that the Applicant/Party I was refused employment from 12-10-2015 onwards. It is admitted that by letter dated 19-10-2015 the Applicant/Party I raised a dispute before the Commissioner, Labour and Employment. That the Commissioner of Labour and Employment refused to entertain the dispute as the Applicant was not terminated from service. That the Applicant/Party I is not the member of any Union. That the Applicant/Party I is not concerned with the dispute raised by the Gomantak Mazdoor Sangh or any other Union. That Gomantak Mazdoor Sangh had placed Charter of Demands dated 01-12-2012. That, the Charter of Demands gave rise to the case bearing reference No. IT/40/2013. That reference IT/40/2013 has been disposed off by Award dated 31-01-2017. That the Applicant is not concerned with reference No. IT/63/2012 and reference No. IT/28/2014 which have been disposed by Awards dated 31-01-2017. It is denied that the Opponent/Party II refused employment to the Applicant/Party I during the pendency of reference No. IT/28/2014, reference No. IT/63/2012 and reference No. IT/40/2013. That the Opponent/Party II has not violated the provisions of Section 33 of the Industrial Disputes Act, 1947. That the Applicant/Party I is not entitled to any relief.

12. The Applicant/Party I has filed his Rejoinder. That Applicant/Party I states that on the pretext of

shifting the manufacturing and connected activities from Bethora, Ponda, Goa to Nalagarh, Himachal Pradesh, the Opponent/Party II had temporarily closed the manufacturing activities at Bethora, Ponda, Goa and refused employment to the workers at Goa from 12-10-2015 without following the mandatory provisions of Chapter VB of the Industrial Disputes Act, 1947. It is denied that this Tribunal does not have the jurisdiction to deal with Chapter VB of the Industrial Disputes Act, 1947. It is denied that the Applicant/Party I is in no way concerned with reference No. IT/40/2013, reference No. IT/63/2012 and reference No. IT/28/2014. It is admitted that all the references were disposed off by Awards dated 31-01-2017. The Applicant/Party I denies that the Opponent/Party II did not have to take approval/permission under Section 33 of the Industrial Disputes Act, 1947. It is denied that the Applicant/Party I is not entitled to any relief.

12. Heard arguments. The Ld. Advocate for the Opponent/Party II, Shri M. S. Bandodkar has also filed his Written Arguments.

13. The following issues and additional issues were framed by this Tribunal and my findings thereon are as follows:

ISSUES

1. Whether the Party I proves that the refusal of employment with effect from 12-10-2015 on the pretext of shifting of manufacturing activities from Goa to Nalagarh at Himachal Pradesh is illegal and unjustified?
2. Whether the Party I proves that he is entitled for re-instatement in services, with full back wages and continuity in services with consequential benefits?
3. Whether Party II proves that the application is not maintainable as it was not made by following mandate of Section 2-A(2) of the Industrial Disputes Act and no demand for re-instatement was made with Assistant Labour Commissioner, Panaji?
4. What Relief? What Order?

ADDITIONAL ISSUES

- 3A. Whether the Party I proves that the Party II was employing more than 100 workmen preceding 12 months of 12-10-2015?
- 3B. Whether the Party I proves that the Party II has contravened Chapter V-B of the I. D. Act, 1947 while refusing employment to the Party I and other workmen?
- 3C. Whether the Party I proves that the Party II has altered the conditions of service of the Party I

and other workmen by discontinuing the manufacturing operations at Ponda in Goa State and asking the Party I and others to report to Nalagarh in the State of Himachal Pradesh and has thus contravened Section 33 of the I. D. Act, 1947?

- 3D. Whether the Party I proves that the action of the Party II of shifting of manufacturing activities from Ponda to Nalagarh amounts to closure?
- 3E. Whether the Party I proves that the Party II has refused employment to Party I with effect from 12-10-2015?
- 3F. Whether the Party II proves that the subject matter of the present application is pending before the Hon'ble High Court in Writ Petition 93/2014 and therefore this application should be rejected as not maintainable?

FINDINGS

Issue No. 1	:	In the affirmative.
Issue No. 2	:	Partly in the affirmative.
Issue No. 3	:	In the negative.
Issue No. 4	:	As per order.
Additional Issue No. 3A	:	In the affirmative.
Additional Issue No. 3B	:	In the affirmative.
Additional Issue No. 3C	:	In the negative.
Additional Issue No. 3D	:	In the affirmative.
Additional Issue No. 3E	:	In the affirmative.
Additional Issue No. 3F	:	In the negative.

Issue No. 1, Additional Issue No. 3D and Additional Issue No. 3E:

14. The case of the Applicant/Party I is that on the pretext of shifting manufacturing activities from Goa to Nalagarh, Himachal Pradesh, the Opponent/Party II refused employment to the Applicant/Party I and that such refusal is illegal and unjustified. That the action of the Opponent/Party II in shifting the manufacturing of activity from Ponda to Nalagarh amounts to closure. That the Opponent/Party II has refused employment to the Applicant/Party I with effect from 12-10-2015.

15. The Applicant/Party I has examined 2 witnesses. The Applicant/Party I has examined himself as Witness No.1 for the Applicant/Party I, Shri Puti Gaonkar is Witness No. 2 for the Applicant/Party I. He is the Secretary of the Gomantak Mazdoor Sangh.

16. The Opponent/Party II has examined one witness, Shri Eurico Noronha is Witness No.1 for the Opponent/Party II. He was the Vice President, Human Resources for the Opponent/Party II.

17. The Applicant/Party I deposes that by letter dated 09-10-2015, the Opponent/Party II contended that all manufacturing and connected operations of the Factory at Bethora, Ponda, Goa will be discontinued w.e.f. 11-10-2015 and directed him to report to the Nalagarh site by 16-11-2015. The Applicant/Party I deposes that he told the Opponent/Party II that the said letter is nothing but his transfer from Goa to Nalagarh at Himachal Pradesh and that it is against his appointment letter and the Certified Standing Orders. He deposes that he went to the Factory at Ponda on 12-10-2015 to report to work, but he was refused employment w.e.f. 12-10-2015. The Applicant/Party I deposes that he wrote a letter dated 11-10-2015 asking for reinstatement in service within 7 days of the receipt of the same.

18. Shri Puti Gaonkar (Witness No. 2 for the Applicant) deposes that he is the Secretary of Gomantak Mazdoor Sangh and the workers of the Opponent/Party II are members of the same. He deposed that the action of the Opponent/Party II in shifting its manufacturing and connected activities from the State of Goa to the State of Himachal Pradesh and asking workmen including the Applicant/Party I to report to Nalagarh at Himachal Pradesh amounts to transfer of service which is in contravention of the Letter of Appointment and Certified Standing Orders of the Company.

19. The testimony of the Applicant/Party I is corroborated by the testimony of Shri Puti Gaonkar.

20. The Opponent/Party II has examined Shri Eurico Noronha as witness No.1 for the Opponent/Party II. He is a retired Vice President, Human Resources of the Opponent/Party II. He is presently Advisor, Human Resources for the Opponent/Party II. He deposes that by Notice dated 09-10-2015 and letter dated 09-10-2015, the Opponent/Party II informed the Applicant/Party I that all manufacturing and connected activities at Ponda would be discontinued by 10-10-2015 and shifted to Nalagarh, Himachal Pradesh site from 11-10-2015. He deposes that the Applicant/Party I was informed that he would be deemed to be an employee of Nalagarh Factory with effect from 11-10-2015. He deposes that the Applicant/Party I was instructed by the said letter not to report to the Factory at Ponda after 10-10-2015 and to report to the Nalagarh site on 16-11-2015. He deposes that the Applicant was informed that during the period from 11-10-2015 to 15-11-2015 he would be given Special Leave for the purpose of relocation.

21. The Learned Advocate for the Opponent/Party II, Shri M. S. Bandodkar has relied upon the law laid down in **Hindustan Lever Employees' Union V/s The State of Maharashtra & Ors. (1993 II CLR 847)**

and Innovations Garment Ltd. V/s S. K. Singe & Anr. (2002 II CLR 902) to show that an Employer has a right to shift his Factory from one place to another.

22. Let us look into these case-laws and ascertain if they apply to the facts of this case.

23. In **Hindustan Lever Employees' Union V/s State of Maharashtra and Ors.** (1993 II CLR 847), the Garg Committee Report had held the Nickel Catalyst Department of the Employer was a pollution hazard. Therefore, the staff working in the department was shifted to other departments. The State Government granted permission to shift the Nickel Catalyst Department from Sewree (Bombay) to Taloja in Raigad District. It was held that the shifting was bonafide and was not vitiated by any malafides and was thus not a closure.

24. In **Innovations Garment Ltd. V/s S. K. Singe & Anr.** (2002 II CLR 902), the Petitioner had its garment factory in Mumbai. The Bombay Municipal Corporation objected to it being run in a residential zone. The Petitioner shifted the Factory to another place in Mumbai. The Bombay Municipal Corporation once again objected. The Petitioner shifted the Factory to Mussourie where it had its own land. It was held that it was bonafide and not an act of victimization or that it suffered from malafide. It was held that such shifting did not amount to closure.

25. The above mentioned case laws show that shifting of a Factory under duress of law is neither malafide nor an act of victimization. It is a bonafide act and cannot be deemed to be closure of the Factory. On the basis of the above-mentioned principles let us proceed to consider if the shifting of the Factory of the Opponent/Party II was bonafide.

26. Exhibit 54 Colly (1) (in cross) is the Notice issued by the Opponent/Party II to its workmen. It states that the reasons for shifting its Factory to the "site" at Village Bhatian, Nalagarh, District Solan, Himachal Pradesh as follows:-

"The Ponda factory has been in operation for several decades. With the ageing of the building and plant, the utilities involved, the maintenance required, the personnel employed and the low productivity, it is observed in recent years that the costs of running the factory have been increasing beyond an acceptable limit. At present, the expenditure on the plant compares unfavourably with the income generated from the products manufactured at the plant. Also, the cost of manufacturing products at the plant works out to several times the cost of manufacturing them at alternative locations.

Secondly, from the time the Factory was built, various laws applicable to the factory and rules

thereunder have been changing over the years. These include the drug laws (specially Schedule M and GMP), factory laws environmental laws and fire safety laws. Complying in full with the changing requirements of the law for a factory that is 30 years old has become technically unfeasible and financially unaffordable. Thus it has become very difficult to operate the Ponda factory in full compliance with all applicable laws as they now stand.

Thirdly, we are unable to adequately increase prices of our products to compensate for higher costs of production and conversion due to existing Government regulation under the Drug Price Control Order."

27. In Exh. 54 (Colly)(1) (in cross) the workmen were asked not to report to the "factory" at Ponda after 10-10-2015 but to report to the "Nalagarh site" from 16-11-2015.

28. A plain reading of Exh. 54 Colly(1) (in cross) shows that there was only a site at Nalagarh with a factory yet to be built.

29. If that be so the cost of construction of a new factory at Nalagarh and the installation of new machinery in it was to be almost equal to demolition and reconstruction of the factory at Ponda and installing new machinery in it. All the other problem would be the same in Goa as it is in Himachal Pradesh except for "personnel employed and the low productivity". The Notice at Exh. 54 Colly (1) (in cross) clearly shows that the Opponent/Party II was not happy with the "personnel employed". Seen in the light of the above-mentioned facts, the Opponent/Party II is shifting its Factory to get rid of the "personnel employed". Witness No. 1 for the Opponent/Party II has deposed that none of the workers reported to Nalagarh. The workers found it impossible to relocate.

30. Nevertheless, witness No. 1 for the Opponent/Party II has deposed that the Opponent/Party II has a factory at Nalagarh from 2007. The registration and licence to work the Factory is at Exh. 94. If that be so, the Opponent/Party II is expanding an existing Factory at Nalagarh and not shifting the establishment in Goa. There is no shifting of the Factory. In other words they are closing down the Factory at Ponda to expand a Factory at Nalagarh.

31. The Learned Advocate for the Opponent/Party II Shri M. S. Bandodkar argues that Employers have a right to re-organize their business. Ld. Advocate Shri M. S. Bandodkar has relied on **M/s Parry and Co. Ltd. and P. C. Pal and Others (1970 II LLJ 429)**.

32. I agree with Mr. M. S. Bandodkar. An Employer has the right to re-organize his business in a "bonafide" manner. **M/s Parry and Co. Ltd. and P. C. Pal and Others (1970 II LLJ 429)** also states that the re-organization should be bonafide. Nevertheless, the excess labour arising out of the re-organization should be dealt with according to law. Asking the workers to report to a location which is impossible for them to come and join duty is not the solution. The act of the Opponent/Party II was not bonafide.

33. For the reasons stated above, the alleged shifting of the Factory from Goa to Himachal Pradesh is not bonafide. It is calculated to get rid of the personnel (workmen) working in Goa. The alleged shifting was not under any duress of law.

34. Now let us consider, if the Applicant/Party I could have been transferred to Himachal Pradesh.

35. It is the case of the Applicant/Party I that he could not have been transferred to another State without his consent as per the Certified Standing Orders.

46. Witness No. 1 of the Opponent/Party II deposes that the Applicant/Party I is governed by the Staff rules and regulations and not by the Certified Standing Orders.

47. Exh. 34 is the Letter of Appointment of Party I, Clause 10 of the Letter of Appointment states as follows:-

"You will abide by the conditions of service and/or other Staff rules and regulations applicable to you which may be in force or modified/framed from time to time".

48. Witness No.1 for the Opponent/Party II has also deposed in reference No. IT/04/2007. His Affidavit-in-Evidence in reference No. IT/04/2007 is at Exh. 86-D (produced in cross). He has stated therein that the transfer of the Applicant/Party I, in that case, was under the provisions of the Appointment Letter and the Certified Standing Orders.

49. Exh. 87-D (produced in cross), Exh. 88-D (produced in cross) and Exh. 89-D (produced in cross) are show-cause notices issued to the Applicant/Party I alleging misconduct under various clauses of the Certified Standing Orders.

50. Letter dated 26-05-2006 Exh. 86-D (produced in cross) was issued to the Applicant/Party I under the Certified Standing Orders.

51. Once Standing Orders are certified it would apply to all workmen. One workman cannot be excluded from the Certified Standing Orders by making certain statement in his appointment orders. The Certified Standing Orders has been invoked by

the Opponent/Party II in various show-cause notices issued to the Applicant/Party I. The witness of the Opponent/Party II has deposed in IT/42/2007 that the Applicant/Party I was transferred earlier in accordance with the Letter of Appointment and Certified Standing Orders. A letter dated 26-05-2006 was also issued under the Certified Standing Orders. The Staff rules and regulations alleged by the Opponent/Party II has not been tendered in evidence. Under these circumstances there can be no doubt that the Certified Standing Orders apply to the Applicant/Party I.

52. Now let us look at the Certified Standing Orders and the Appointment Letter of the Applicant/Party I to find out if the Applicant/Party I could have been transferred from one State to another.

53. The Certified Standing Order is at Exh. 55 (in cross). Clause 21 of the Certified Standing Orders read as follows:

"TRANSFERS, ETC. i) In the interest of the Company/Firm an employee, shall be liable to be transferred at the discretion of the Company/Firm from one job to another or from one department/Section to another or from one unit or establishment to another unit or establishment (existing or future) or from one station to another of the Company/Firm and, on such transfer he will be governed by the terms and conditions of service applicable to the department, Section, Unit or Establishment to which he is transferred provided that the wages, grade, continuity of service of the employee are not adversely affected by such transfer.

Provided further that if an employee is transferred from one place to another on a job which he is capable of doing, and provided also that where the transfer involves moving from one State to another such transfer shall take place, either with the consent of the employee or where there is a specific provision to that effect in the letter of appointment, and provided also that (i) responsible notice is given to such employee, and (ii) reasonable joining time is allowed in case of transfers from one station to another. The employee concerned shall be paid travelling allowances including the transport charges, and fifty percent thereof to meet incidental charges.

ii) An employee will always be liable to do alternate, reasonable work, provided by the Company, in the event of lack of work on the job for which he is normally employed, provided he gets the same emoluments.

54. Clause 5(a) of the Letter of Appointment (Exh. 34) deals with transfers. It reads as follows:-

5(a) You will be liable to be transferred to any Department, Office or Establishment forming part of our Organization and you will abide by the working hours of the department, office or establishment concerned without any extra remuneration.

55. Clause 21(1) of the Certified Standing Orders deals with the general principles of transfer. These principles are incorporate in Clause 5 (a) of the Letter of Appointment.

56. The provisions of the Proviso to Clause 21(1) of the Certified Standing Orders deal with an exception to Clause 21(1) of the Certified Standing Orders. It provides that when a workman is transferred outside the State, it has to be either in accordance with his Letter of Appointment or with his consent.

57. There is no provision in the letter appointing the Applicant/Party I regarding transfer outside the State. Therefore, the Applicant/Party I could have been transferred outside the State only with his consent. There is no such consent. Therefore the transfer of the Applicant/Party I to Himachal Pradesh is illegal.

58. For the reasons stated above, the Applicant/Party I has proved that the refusal of employment with effect from 12-10-2015 on the pretext of shifting of manufacturing activities from Goa to Nalagarh at Himachal Pradesh is illegal and unjustified. The Applicant/Party I has proved that the action of the Opponent/Party II in shifting manufacturing activities from Ponda to Nalagarh amounts to closure. The Applicant/Party I has also proved that the Opponent/Party II has refused employment to the Applicant/Party I with effect from 12-10-2015. Hence, I hold Issue No. 1 and Additional Issue No. 3D and Additional Issue No. 3E in the affirmative.

Issue No. 2:

59. The Applicant/Party I states that he is entitled to re-instatement in service with full back wages and continuity of service.

60. The Applicant/Party I has deposed that he became a Portuguese Citizen on 15-04-2016 and that he is not entitled for employment in India.

61. Therefore, the Applicant/Party I is not entitled to re-instatement or continuity of service from 15-04-2016.

62. The Applicant/Party I was illegally refused employment from 12-10-2015. He remained unemployed till he became a Portuguese Citizen on 15-04-2016. The Applicant/Party I is therefore entitled to back wages from 12-10-2015 to 14-04-2016. He would be deemed to be re-instated for the said period from 12-10-2015 to 14-04-2016. Since he has

become a Portuguese Citizen, he is not entitled to re-instatement thereafter and continuity of service from 15-04-2016 onwards. Hence, I hold Issue No. 2 partly in the affirmative.

Issue No. 3:

63. The case of the Opponent/Party II is that this Application is not maintainable as it was not made by following the mandate of Section 2A(2) of the Industrial Disputes Act, 1947 and no demand for re-instatement was made with the Assistant Labour Commissioner, Panaji.

64. Exhibit 47 is the Demand Letter dated 12-10-2015 sent by the Applicant/Party I to the Opponent/Party II. By this letter, the Applicant/Party I told the Opponent/Party II that he was illegally refused employment w.e.f. 12-10-2015. By the letter, the Applicant/Party I also called upon the Opponent/Party II to re-instate him in service with full back wages from 12-10-2015.

65. Exhibit 49 is the letter (Application) dated 19-10-2015 addressed by the Applicant/Party I to the Commissioner, Labour and Employment, Government of Goa for conciliation. This letter refers to the above-mentioned demand letter dated 12-10-2015.

66. The Application under Section 2A(2) of the Industrial Disputes Act, 1947 was made on 12-05-2017. It is made after 45 days of making the application for conciliation. It is also made within 3 years from the date of refusal of service. Therefore, the Opponent/Party II has failed to prove that the application is not maintainable as it was not made following the mandate of Section 2A(2) of the Industrial Disputes Act, 1947 and no demand for re-instatement was made with the Assistant Labour Commissioner, Panaji. Hence, I hold Issue No. 3 in the negative.

Additional Issue No. 3A:

67. The case of the Applicant/Party I is that the Opponent/Party II was employing more than 100 workmen preceding 12 months of 12-10-2015.

68. Mr. Leslie Fernandes (Witness No.1 for the Applicant/Party I) is the Applicant himself. He deposes that the Opponent/Party II was employing more than 100 workmen from prior to January, 2014 to 12-10-2015.

69. Shri Puti Gaonkar (Witness No. 2 for the Applicant/Party I) deposes that there were 107 workmen employed by the Opponent/Party II in the Factory on a permanent basis. He deposes that apart from the 107 permanent workmen there were more than 500 workmen employed on a temporary or contract basis. He deposes that reference No. IT/03/

/2016 is pending before this Tribunal with respect to 103 temporary workmen. He deposes that he cannot produce any document to show that more than 500 employees were employed in the Factory.

70. The testimony of Mr. Leslie Fernandes is corroborated by the testimony of Shri Puti Gaonkar.

71. Shri Eurico Noronha (Witness No. 1 for the Opponent) has not deposed that the number of workmen working in the Factory is less than 100. He deposes that he will not be able to produce the register of adult workmen maintained under Section 62 of the Factories Act.

72. The testimony of the workman (Leslie Fernandes) is corroborated by the testimony of the Union Leader (Shri Puti Gaonkar). The witness of the Opponent/Party II deposes that he will not be able to produce the register of Adult Workers maintained under Section 62 of the Factories Act. Therefore, adverse inference should be drawn against the Opponent/Party II. The Applicant/Party I has done all that he could to obtain the register of Adult Workers u/s 62 of the Factories Act, but the Opponent/Party II has suppressed the same. Therefore, the Applicant/Party I has proved that there were more than 100 workmen employed by the Opponent/Party II in the preceding 12 months of 12-10-2015. Hence, I hold additional Issue No. 3A in the affirmative.

Additional Issue No. 3B:

73. The case of the Applicant/Party I is that the Opponent/Party II contravened the provisions of Chapter V-B of the Industrial Disputes Act, 1947 while refusing employment to the Applicant/Party I and the other workmen.

74. For the reasons stated above there are more than 100 workmen in the Factory. The Factory was closed down without obtaining the permission of the Government. The Opponent/Party II has violated the provisions of Section 25-O of the Industrial Disputes Act, 1947. Therefore, the Applicant/Party I has proved that the Opponent/Party II contravened the provisions of Chapter V-B of the Industrial Disputes Act, 1947 while refusing employment to the Applicant/Party I and other workmen. Hence, I hold Issue No. 3-B in the affirmative.

Additional Issue No. 3C:

75. The case of the Applicant/Party I is that the Opponent/Party II has altered the conditions of service of the Applicant/Party I and other workmen by discontinuing the manufacturing operations at Ponda, Goa and asking the Applicant/Party I and

others to report to Nalagarh in the State of Himachal Pradesh and has thus contravened the provisions of Section 33 of the Industrial Disputes Act, 1947.

76. The Applicant/Party I should restrict this case to his right. He cannot plead and prove the rights of other workmen.

77. The conditions of service of the Applicant/Party I was not changed. He was asked to report to Nalagarh in Himachal Pradesh on the same terms and conditions.

78. It is the case of the Applicant/Party I that his conditions of service was altered during the pendency of reference No. IT/28/2014, reference No. IT/63/2012 and reference No. IT/40/2013. These cases arose on demands made by Trade Unions. There is no evidence to show that the Applicant/Party I was a member of any Union. His own witness (Shri Puti Gaonkar) has deposed that he does not know if the Applicant/Party I was a member of his Union. He is not concerned with the disputes in the above mentioned cases. Therefore, the question of violating the provisions of Section 33 of the Industrial Disputes Act, 1947 does not arise.

79. For the reasons stated above, the Applicant/Party I has failed to prove that the Opponent/Party II has altered the conditions of service of the Applicant/Party I and other workmen by discontinuing the manufacturing operations at Ponda in Goa State and asking the Applicant/Party I and others to report to Nalagarh in the State of Himachal Pradesh and has thus contravened Section 33 of the Industrial Disputes Act, 1947. Hence, I hold Additional Issue No. 3C in the negative.

Additional Issue No. 3F:

81. The case of the Opponent/Party II is that the subject matter of the present Application is pending before the Hon'ble High Court in Writ Petition No. 93/2014 and therefore this Application should be rejected as not maintainable.

82. As seen above, there was a dispute between the Parties on account of the Applicant/Party I being transferred to Dharwad. It led to reference No. IT/47/2007 before the Labour Court-II, Panaji. The Labour Court-II, Panaji disposed off the same by Award dated 13-06-2013. The Opponent/Party II has preferred Writ Petition No. 93/2014 before the Hon'ble High Court against the Award.

83. The subject matter of Writ Petition No. 93/2014 and the subject matter of this case are different. This case cannot be rejected solely on the ground that Writ Petition No. 93/2014 is pending. Therefore, the Opponent/Party II has failed to prove

that the subject matter of the present application is pending before the Hon'ble High Court in Writ Petition No. 93/2014 and therefore the application should be rejected as not maintainable. Hence, I hold Issue No. 3F in the negative.

Hence, I pass the following Order:

ORDER

- i. The Opponent/Party II, M/s Wallace Pharmaceuticals Ltd., Bethora, Ponda-Goa shall pay the Applicant/Party I, Shri Leslie Fernandes back wages from 12-10-2015 to 14-04-2016. The Applicant/Party I would be deemed to be re-instated for the said period from 12-10-2015 to 14-04-2016.
- ii. No order as to costs.
- iii. Inform the Government accordingly.

Sd/-
(Anil Scaria)
Presiding Officer,
Industrial Tribunal and
Labour Court.

Notification

No. 28/02/2023-LAB/Part-I/91

The following Award passed by the Labour Court-II, at Panaji-Goa on 05-01-2023 in Case No. Ref. LC-II/IT/10/2012 is hereby published as required under Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947).

By order and in the name of the Governor of Goa.

Amalia O. F. Pinto, Under Secretary (Labour).
Porvorim, 27th January, 2023.

THE LABOUR COURT-II
GOVERNMENT OF GOA
AT PANAJI

(Before Shri Suresh N. Narulkar, Hon'ble Presiding
Officer)

Case No. Ref. LC-II/IT/10/2012

Shri Chandrakant Gawas,
R/o. 25, F Colony, Zuarinagar,
Sancoale-Goa ... Workman/Party-I.

V/s

M/s. New Era Handling Agency,
R/o. H. No. 2, 1st floor,
Mukund Bldg.,
Opp. State Bank of India,
F. L. Gomes Road,
Vasco-da-Gama-Goa ... Employer/Party-II.

Party-I/Workman represented by Adv. Shri M. Viegas.

Party-II/Employer represented by Adv. Shri M. S. Bandodkar.

Panaji, Dated: 05-01-2023.

AWARD

In exercise of the powers conferred by Clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947), the Government of Goa, by Order dated 31-10-2012, bearing No. 28/40/2012-LAB/602 referred the following dispute for adjudication to the Industrial Tribunal of Goa. The Hon'ble Presiding Officer, Industrial Tribunal-cum-Labour Court in turn assigned the present reference for its adjudication to the Labour Court-II vide its order dated 08-11-2012.

"(1) Whether the action of the management of M/s. New Era Handling Agency, Vasco-da-Gama, Goa, Contractor of M/s. Zuari Industries Ltd., Zuarinagar, Goa, in terminating the services of Shri Chandrakant Gawas, Packer vide their termination order dated 09-04-2012 is legal and justified?"

(2) If not, what relief the Workman is entitled to?

2. On receipt of the reference, a case was registered under No. LC-II/IT/10/2012 and registered A/D notice was issued to the parties. In pursuance to the said notice, the parties put in their appearance. The Workman/Party-I (for short 'Workman'), filed his Statement of Claim on 20-04-2014 at Exhibit-7. The facts of the case in brief as pleaded by the Workman are that, he is working with the Employer/Party-II (for short 'Employer') as a 'Packer' Grade III. He stated that he was posted at Zuari Industries Ltd. He stated that he was continuously working in the packing section for last 30 years and prior to that he was working as a stitcher with the Employer. He stated that he is a chronic Diabetic patient and his sugar level gets fluctuated on and often. He stated that if his sugar level reduces lower than the normal level, he gets shivering and had to intake strepsils and/or pass pass supari which contains certain ingredients which help his sugar level. He stated that he has produced a certificate from Dr. N. P. Sawaiakar from Vasco-da-Gama dated 07-03-2013 certifying that he is suffering from type II Diabetes i.e. Mellitus and that he is under regular treatment of the said Doctor. He stated that he is the section President of the Goa Kranti Sena Mazdoor Union, which hereinafter called the said Union from October, 2009.

3. He stated that he was issued a charge sheet dated 31-12-2011 by the Employer alleging that he had committed alleged misconduct on 18-12-2011, alleging that, while on duty and during the process

of packing, he stopped the operation of filling of the bags to eat gutka/Tobacco from a sachet and that on having gutka/Tobacco from a sachet, he deliberately inserted the empty sachet in the bag which he then used for filling the products and this action on his part was an attempt to contaminate the product. He stated that according to the management the said commission/omissions are the misconduct as per the certified standing order applicable to the establishment. He stated that prior to the issuing charge sheet, a show cause notice dated 31-03-2011 was issued to him making false and baseless allegations. He stated that thereafter, he gave his written explanation to the said charge sheet dated 21-12-2011, which is self-explanatory, wherein he had specifically stated that on 18-12-2011 he was eating strepsils as he had severe cough and cold. He stated that the said charge sheet dated 31-12-2011 charged against him with the following misconduct under the following clauses of the Certifying Standing Orders of the company.

- (a) Clause 28(XI)—Drunkenness, riotous, disorderly, indecent or improper behavior at the work premises of the Company or outside the work premises if it adversely affects or is likely to affect working or discipline of the Company/Principal Employer.
- (b) Clause 28(XII) – Commission of any act subversive of discipline or good behavior at the work premises or Company's office.
- (c) Clause 28(XVII) – Damage or loss whether willful or due to irresponsible action, of damage due to negligence or carelessness to or of any property of the company/Principal Employer.
- (d) Clause 28(XXXV) – Bringing inside the premises of the Establishment, possession of any alcoholic drink or narcotic drugs within the place of work premises of the Company or reporting to work under the influence of alcoholic drinks or narcotics.
- (e) Clause 28(XLI) – Pursuance of any act or conduct against the interest of the company.

4. He submitted that he has not committed any misconduct as alleged in the charge sheet dated 31-12-2011 and the aforesaid charges against him are totally false and baseless and are vehemently denied. He stated that the Employer has appointed Shri S. K. Mandrekar as an Enquiry Officer to conduct the domestic enquiry into the said charge sheet. He stated that Ld. Enquiry Officer, Shri S. K. Mandrekar submitted his report dated 20-02-2012 with respect to the said domestic enquiry holding him guilty of

misconduct. He stated that his services have been terminated by the Employer vide his letter dated 05-04-2012. Aggrieved by the decision of the Employer, he raised an Industrial Dispute before the Dy. Labour Commissioner, Margao which ended in failure.

5. He contended that no opportunity was given to him during the enquiry to defend himself. He submitted that he was not allowed to be represented by anybody. He submitted that the management has failed to prove the charges levelled against him. He submitted that the Ld. Enquiry Officer was acting in biased manner throughout the enquiry. He submitted that he was compelled to apologize during the domestic enquiry by the employee on the representation of its officer assuring that he would be re-instated in case he apologized and agreed to the charges. He submitted that he agreed to apologize on being promised to be reinstated and coupled with the fact that being a diabetic patient, he cannot face any mental stress as the same is effecting his health and therefore, he agreed to the suggestion believing Mr. Vilas Dessai and accepted his assurance in good faith. He submitted that the apology tendered by him was done purely out of duress on the aforesaid false representation of the Employer that he would be reinstated. He submitted that the findings were not based on evidence on records and Ld. Enquiry Officer acted in biased manner. He therefore, submitted that his termination from services by the Employer is illegal and unjustified. He submitted that the management has terminated his services by way of victimization being a leader of the Goa Kranti Sena Mazdoor Union which had addressed various letter to the Employer for redressal of the various grievances of the workmen.

6. He submitted that he has been unemployed from the time of termination his services on 09-04-2012. He stated that though he has attempted to seek employment, he has not been able to secure the same on account of his advanced age and health condition. He stated that he has been surviving on his meagre savings and on the interest from the meagre personal gold ornaments of his family members which has been pawned in order to raise finances to keep his body and soul and his family together. He stated that he is married and has four unmarried daughters, and one son and housewife. The Workman therefore, prayed that the order of termination dated 09-04-2012 be declared as illegal and quashed and set aside and he be reinstated his services of the Employer at the same or higher grade as he is entitled to, with full back wages and consequential benefits thereof.

7. The Employer resisted the aforesaid claim of the Workman by filing his written statement dated 26-06-2013 at Exb. 8. The Employer, as and by way of its preliminary objections, submitted that the entire reference is bad in law, not maintainable and ought to be rejected as the Employer is in the business of bagging and dispatch of the urea N.P.K. product, which is transported all over India through wagon's and trucks. The Employer stated that he is the contractor of M/s. Zuari Industries Ltd., Zuarinagar-Goa. The Employer stated that the Workman in the reference was appointed as Belt Guide as per settlement dated 30-09-1986 vide letter dated 01-10-1986 wherein the terms and conditions of employment were specified and the same were accepted by the Workman. The Employer stated that on 18-12-2011 at around 19.30 hrs., where the Workman was operating the packer scale No. 9 and 10, the Workman stopped the operation of filling the bags and started eating Gutka/Tobacco from a sachet and thereafter, he deliberately inserted the empty sachet in the bag which he then used for filling the product. The Employer stated that this has resulted in contaminating the product and thereby he committed serious acts of misconduct as per its Certified Standing Orders. The Employer stated that the Workman was therefore, issued a charge sheet dated 31-12-2011. The Employer stated that thereafter, an enquiry was conducted in respect of the said charge sheet. The Employer stated that during the enquiry, the Workman submitted his reply to the charge sheet dated 10-01-2012. The Employer denies the entire contents of the said reply. The Employer stated that the Workman fully participated in the enquiry. The Employer stated that it has conducted the said enquiry in a fair and proper manner by following the principles of natural justice. The Employer stated that after completion of enquiry, Ld. Enquiry Officer submitted his findings wherein all the charges are found proved against the Workman. The Employer stated that the findings of the Ld. Enquiry Officer are based on the documentary and oral evidence on the records of the enquiry. The Employer stated that after going through the entire proceeding of the enquiry, its connected papers and the documents taken on record, the management concurred with the findings of the Enquiry Officer dated 20-02-2012. The Employer stated that thereafter, they had issued a show cause notice dated 31-03-2012 to the Workman alongwith the copy of findings of the Enquiry Officer dated 20-02-2012. The Employer stated that the Workman did not reply to the show cause notice issued to him. The Employer stated that while issuing show cause notice, they have perused the past record and other circumstances and issued the show cause notice. The

Employer stated that considering the seriousness and gravity of the misconduct found proved against the Workman, the management came to a definite conclusion that no leniency was warranted. The Employer stated that thereafter, vide letter dated 09-04-2012, they dismissed the services of the Workman after taking into consideration all the factors including past record. The Employer stated that having regard to all the circumstances, including past records it was fully justified in dismissing the Workman from its services. The Employer stated that the acts of misconduct committed by the Workman are grave and serious in nature and the punishment imposed upon him is appropriate and commensurate with the acts of misconduct committed by the Workman and therefore, the dismissal is just and fair punishment and this Hon'ble Court should not interfere with its said administrative decision. The Employer stated that it has held fair and proper enquiry by following principles of natural justice and the finding of the enquiry are based on the evidence on record of the enquiry proceedings and its connected papers. The Employer stated that in any event, if the Hon'ble Court comes to the conclusion that the enquiry was not conducted properly or in fair and proper manner or that the findings are perverse and/or are not based on the evidence, then the Employer craves leave to lead additional evidence to justify its case. The Employer denied the overall case as pleaded by the Workman and prayed for dismissal of the reference.

8. Thereafter, the Workman filed his Rejoinder on 26-06-2013 at Exhibit-11. The Workman, as and by way of his Re-joinder, denied each and every statement, averments and submissions made by the Employer vide their Written Statement filed in the present proceedings and reiterates and confirms the statements, averments and submissions made by him in his statement of claim.

9. Based on the pleadings filed by the respective Parties, this Labour Court-II framed the following issues at Exb. 19.

1. Whether free, fair and proper enquiry has been conducted against the Workman in accordance with principles of natural justice?
2. Whether the charges of misconduct leveled against the Workman have been proved to the satisfaction of this court by an acceptable evidence?
3. Whether the Workman/Party-I proves that the action of the management of the Employer in terminating his services vide their termination order dated 09-04-2012 is illegal and unjustified?

4. Whether the Workman is entitled for any relief?

5. What Order? What Award?

10. On 29-09-2020 Ld. Adv. Mrs. S. Nagvenkar h/f Adv. M. Viegas remained present and filed a fresh Wakalatnama and also filed an application for bringing legal heirs of the deceased Workman which was allowed after hearing both the parties and the matter was fixed for 12-10-2022. On 12-10-2022, Ld. Adv. Mrs. S. Nagvenkar appearing for the legal heirs of the deceased Workman carried out the amendment as per order dated 29-09-2022. Ld. Adv. Mrs. S. Nagvenkar appearing for the legal heirs of the deceased Workman as well as Ld. Adv. Shri M. S. Bhandodkar appearing for the Employer, submitted that the matter will be settled amicably between the parties. Accordingly on 05-01-2023, Ld. Adv. Mrs. S. Nagvenkar appearing for the legal heirs of the deceased Workman as well as Ld. Adv. Shri M. S. Bhandodkar representing the Employer submitted that they have settled the matter amicably on payment of Rs. 2,00,000/- (Rupees two lakhs only) full and final settlements of all the claims of Mr. Chandrakant Gawas and filed an application duly signed by both parties which is on record at Exb. 96. I have carefully gone through the terms of settlement signed by both the parties and is of the opinion that the terms of settlement are beneficial to both the parties. Hence, I consented for the same.

In view of above, I passed the following order.

ORDER

1. In view of the settlement between the parties hereinabove, the reference as to whether the action of the management of M/s. New Era Handling Agency, Vasco-da-Gama, Goa, Contractor of M/s. Zuari Industries Ltd., Zuarinagar, Goa, in terminating the services of Shri Chandrakant Gawas, Packer vide their termination order dated 09-04-2012 is legal and justified, does not survive.

2. Inform the Government accordingly.

Sd/-

(Suresh N. Narulkar),
Presiding Officer,
Labour Court-II.

Notification

No. 28/02/2023-LAB/Part-I/111

The following Award passed by the Industrial Tribunal and Labour Court, at Panaji-Goa on

23-01-2023 in Ref. No. IT/36/2013 is hereby published as required under Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947).

By order and in the name of the Governor of Goa.

Amalia O. F. Pinto, Under Secretary (Labour).

Porvorim, 7th February, 2023.

IN THE INDUSTRIAL TRIBUNAL AND LABOUR COURT GOVERNMENT OF GOA

AT PANAJI

(Before Mr. Anil Scaria, Hon'ble Presiding Officer)

Ref. No. IT/36/2013

Workmen

Rep. by the President,
Ramada Renaissance Resort
Employees Union,
Varca, Fatrade,
Salcete-Goa

... Workmen/Party-I.

V/s

M/s. Ramada Caravela Beach
Resort Goa,
Varca Beach, Fatrade,
Salcete-Goa

... Employer/Party-II.

Workmen/Party I represented by Learned Advocate
Shri Suhaas Naik.

Employer/Party II represented by Learned Advocate
Shri Rishi Ashok.

AWARD

(Delivered on this the 23rd day of the month of
January of the year 2023)

By Order dated 17-09-2013, bearing No. 28/43/2013-Lab/628, the Government of Goa in exercise of powers conferred by Section 10(1)(d) of the Industrial Disputes Act, 1947 (for short 'The Act'), has referred the following dispute to this Tribunal for adjudication:-

"(1) Whether the demand of Ramada Renaissance Resort Employees Union for payment of full wages for the period from 20-08-2012 to 31-08-2012 i.e. the period of suspension of operations by the management of M/s. Ramada Caravela Beach Resort Goa, Varca, is legal and justified?

(2) If not, to what relief each of the workmen are entitled?"

2. Upon receipt of the reference, it was registered as IT/36/2013 and notices by registered post acknowledgement due were issued to both the Parties.

3. Party I has filed its Claim Statement. The case of Party I is that Party II suspended operations from 20-08-2012 to 31-08-2012. That during this period, the workmen were not allowed to report for work. Party II did not pay the workmen their wages for the said period. That the action of Party II is illegal and unjustified. That the workmen are entitled to full back wages. That the matter was referred to conciliation before the Conciliation Officer-cum-Deputy Labour Commissioner, Margao, Goa. That as the conciliation failed, the matter was referred to this Tribunal for adjudication. Therefore, it is prayed that the workmen be paid wages for the period from 20-08-2012 to 31-08-2012 together with interest at the rate of 9% per annum.

4. Party II has filed its Written Statement. Party II states that Party II had suspended operation from 20-08-2012 to 31-08-2012. That this was done to upgrade the electric power and water system. That notice dated 10-08-2012 was displayed on the Notice Board regarding the same. That the workers were informed that they would be paid 5 days wages for the said period. That the workers were also given the option to take 5 days leave so that they would get the full salary.

5. That the suspension of operations was legal and justified. That the workmen are not members of Ramada Renaissance Resort Employees Union. That they are members of the All India Trade Union Congress. That Mr. Joao Anselmo Fernandes, General Secretary of Ramada Renaissance Resort Employees Union has no authority to sign the Statement of Claim. Therefore, it is prayed that the demand of Party I be rejected.

6. Party I has filed its Rejoinder. Party I states that Ramada Renaissance Resort Employees Union is affiliated to the All India Trade Union Congress. That the General Secretary of the Ramada Renaissance Resort Employees Union has the authority to sign the Statement of Claims. It is denied that in the month of July, 2012, the Management went ahead with a major up-gradation (of electric power and water system). It is denied that notice regarding the same was given to the workers. It is denied that the workmen were informed that they would get 5 days wages for the period of suspension of operation. That

the workmen were also not informed that they would get full wages if they applied for 5 days leave during the said period. Therefore, it is prayed that the claim of Party I be allowed.

7. The following issues were framed by this Tribunal:-

ISSUES

1. Whether the Party I proves that their demand for payment of full wages for the period from 20-08-2012 to 31-08-2012 i.e. the period of suspension of operations by the Party II is legal and justified?

2. What Relief? What Award?

8. That during the course of proceedings, the following Consent Terms were filed before this Tribunal:

"1) It is respectfully submitted that both the Parties above named had arrived at an amicable settlement, that the Workmen shall accept the offer of the Management as per the notice dated 10-08-2012 and apply for Privilege Leave for 50% of the days and it shall be deemed to have sanctioned by the Management/Leave sanctioning authority and the Management shall pay salary for only 50% of the days. Thus, the pending dispute in respect of claim towards lockdown period for 10 days is amicably resolved by this term.

2) In this back drop both the Parties submit the reference may be treated as settled out of the Hon'ble Court and any order passed by the Hon'ble Court shall not be binding upon me and I will not be a beneficiary of the said Award if any passed by this Hon'ble Court."

9. As per the Consent Terms, the dispute has been settled out of Court (Tribunal). Nothing further requires to be done. The proceeding before this Tribunal should be closed and the reference should be returned to the Government for information.

Hence, I pass the following:-

ORDER

- (i) The proceedings are closed as settled out of Court (Tribunal). The reference is returned to the Government.
- (ii) Inform the Government accordingly.

Sd/-
(Anil Scaria),
Presiding Officer,
Industrial Tribunal and
Labour Court.

Department of Personnel

Order

No. 4/5/2012-PER/342

Shri Akash S. Kantak, Deputy Director (IT Infrastructure), Department of Information Technology, Electronics & Telecommunications, shall hold the additional charge of Managing Director, Goa Information Technology Development Corporation (GITDC) in addition to his own duties with immediate effect.

By order and in the name of the Governor of Goa.

Nathine S. Araujo, Under Secretary (Personnel-II).
Porvorim, 7th February, 2023.



Department of Public Health

Order

No. 31/11/2004-I/PHD/Part/196

Read: 1) Government Order No. 31/11/2004-I/PHD/Part/2669 dated 26-11-2019.

2) Addendum No. 31/11/2004-I/PHD/Part/59 dated 07-01-2021.

In the Government Order and Addendum read 1 and 2,

1) Government is pleased to extend the tenure of Sr. No. 9 i.e. Dr. Virendra Gaonkar, Paediatrician as member of State Technical Committee for monitoring of AEFI for further period of 03 years.

2) Sr. No. 14 i.e. A Cardiologist from GMC is appointed as Member of the State AEFI Committee.

The rest of the content remains the same.

By order and in the name of the Governor of Goa.

Gautami Parmekar, Under Secretary (Health-II).
Porvorim, 7th February, 2023.

Certificate

No. 22/3/2000-I/PHD/Part-I/193

Read: Government Order No. 22/3/2000-I/PHD/Part-I/40 dated 16-01-2023.

Certified that the character and antecedents of Dr. Sunil Shyam alias Shyamba Gaude, Junior Surgeon (Group "A" Gazetted) under Directorate of Health Services has been verified by the District Magistrate, South Goa, Margao vide letter No. 36/01/2022/VCA/MAG/270/M.O.271 dated 19-01-2023, it is revealed that there is nothing adverse reported against him.

Gautami Parmekar, Under Secretary (Health-II).
Porvorim, 7th February, 2023.

Corrigendum

No. 21/10/2001-I/PHD/199

Read: Order No. 21/10/2001-I/PHD/52 dated 17-01-2022.

The date mentioned in the Government Order dated 17-01-2022 read in preamble may be corrected to read as "17-01-2023" instead of "17-01-2022".

By order and in the name of the Governor of Goa.

Gautami Parmekar, Under Secretary (Health).
Porvorim, 8th February, 2023.



Department of Public Works
Office of the Principal Chief Engineer

Order

No. 34/2/2022-23/PCE-PWD-ADM(II)/141

On the recommendation of the Departmental Promotion Committee as conveyed by the Goa Public Service Commission vide its letter No. COM/II/11/36(4)/2020/366 dated 12-12-2022, Government is pleased to promote the following Technical Assistant (Civil)/Junior Engineer (Civil), to the post of Assistant Engineer/Assistant Surveyor of Works/Engineering Assistant (Civil) Group "B", Gazetted in the Pay Matrix Level-7 of the 7th Pay Commission, in Public Works Department on regular basis with immediate effect and post them in the places shown against their names in column No. 4 below.

Sr. No.	Name of the Officer and designation	Present place of posting	Place of posting on promotion
1	2	3	4
1.	Shri Anant R. Fadte Gaonkar, Technical Assistant	Division XVIII (Roads), PWD, Ponda	As Assistant Engineer, SD-I, Division VIII, PWD, Fatorda vice Shri Augusto Pereira, AE transferred.
2.	Shri Cecil Peter Vaz, Junior Engineer	Office of the Superintending Engineer, C.O. IX (NH), PWD, Altinho	As Assistant Engineer, SD-II, Division XXVIII, PWD, Panaji in existing vacancy.
3.	Shri Vivekanand V. Kamat, Junior Engineer	SW-II, Office of Superintending Surveyor of Works, PWD, Altinho	As Assistant Surveyor of Works, SW-I (R&B), Design Cell, Office of the Superintending Surveyor of Works, PWD, Altinho in existing vacancy.
4.	Shri Charles Mark D'Souza, Junior Engineer	Division XXVII (Sew.), PWD, St. Inez	As Assistant Surveyor of Works-II, Division XVII, PWD, Porvorim in the existing vacancy.
5.	Shri B. R. Satyapramod, Junior Engineer	Division XVI (B), PWD, Ponda	As Assistant Engineer, SD II, Division XVI, PWD, Ponda in existing vacancy.
6.	Shri Gurudatt J. Naik, Junior Engineer	Division IX (WS), PWD, Margao	As Assistant Engineer, Goa Waste Management Corporation, Saligao, Bardez on deputation.
7.	Shri Umesh R. Shirodkar, Junior Engineer	Division I (B), PWD, Junta House, Panaji	As Assistant Surveyor of Works I, Division XIII, Mapusa vice Shri Robert D'souza, ASW, transferred.
8.	Shri Abhay A. Prabhukhadpe, Junior Engineer	SW I, Office of Superintending Surveyor of Works, PWD, Altinho	As Assistant Surveyor of Works-I, Division V, PWD, Panaji vice Shri Jayanand Madkaikar, ASW transferred.
9.	Shri Antonio Corte, Junior Engineer	Division II (Roads), PWD, Panaji	As Assistant Surveyor of Works, Office of Engineering Officer, PWD, Altinho in existing vacancy.
10.	Shri Agnelo M. Rodrigues, Junior Engineer	Office of the Superintending Engineer, C.O. IV, PWD, Margao	As Assistant Surveyor of Works II, Division XXV, PWD, Margao in existing vacancy.
11.	Shri Madan Mohandas Desai, Technical Assistant	Division III (WS), PWD, St. Inez	As Assistant Engineer, SD-II, Division XXIV, PWD, Valpoi vice Shri Soma Naik, AE transferred.
12.	Smt. Chandrakala Sandip Prabhu Chodankar, Junior Engineer	Division XI (QC), PWD, Panaji	As Assistant Surveyor of Works I, Division I, PWD, Panaji in existing vacancy.
13.	Smt. Sarita Pradeep Shirodkar, Junior Engineer	Division III (WS), PWD, St. Inez	As Assistant Surveyor of Works, SW-II (WSS), Design Cell, Office of the Superintending Surveyor of Works, PWD, Altinho in existing vacancy.

1	2	3	4
14.	Shri Marcos D. Costa, Junior Engineer	Division XXI(SW), PWD, Margao	As Assistant Surveyor of Works, Office of the Chief Engineer, NH (R&B), PWD, Altinho in existing vacancy.
15.	Shri Sandeep V. Phadte (OBC), Junior Engineer	Division III (WS), PWD, St. Inez	As Assistant Engineer, Revenue/NRW, SD I, Division IX, PWD, Margao in existing vacancy.
16.	Smt. Smita Pundalik Gaonkar, Junior Engineer	Division VIII(B), PWD, Margao	As Assistant Engineer, SD-III, Division VIII, PWD, Vasco vice Shri Nolasco Pereira, AE transferred.
17.	Shri Dattaram S. Raikar, Technical Assistant	Office of the Superintending Surveyor of Works, PWD, Altinho	As Assistant Engineer, SD IV, Division XVII, PWD, Porvorim vice Shri Vasudev Parab, AE transferred.
18.	Shri Nagraj R. Adpaikar (OBC), Technical Assistant	Division XIV(NH), PWD, Margao	As Assistant Surveyor of Works-II, Division XX, PWD, Margao vice Shri Naresh Hede, ASW transferred.
19.	Shri Jerominao Santan Vaz, Technical Assistant	Division XXVIII (NH), PWD, Margao	As Assistant Surveyor of Works, Office of the Superintending Engineer, C.O.IV, PWD, Margao vice Shri Jose S.B. Mascarenhas transferred.
20.	Shri Ghanashyam T. Gaude (ST), Technical Assistant	Division III (WS), PWD, St. Inez	As Assistant Engineer, Revenue/NRW, SD II, Division III, PWD, Daag, Ponda in existing vacancy.
21.	Shri Prashant Y. Kamat, Junior Engineer	Division XV (NH), PWD, Ponda	As Assistant Engineer, SD-III, Division XVI, PWD, Valpoi in the existing vacancy.
22.	Shri Kashinath Vithal Shet Saraf, Junior Engineer	Division III (WS), PWD, St. Inez	As Assistant Engineer, SD-IV, Division III, PWD, Daag, Ponda vice Yeshwant Mapari, AE transferred.
23.	Shri Dattaprasad S. Gaonkar, Junior Engineer	Division VII (NH), PWD, Panaji	As Assistant Engineer, SD IV, Division I, PWD, Panaji vice Guirish Sawant, AE transferred.
24.	Smt. Maria Fatima De Souza, Junior Engineer	Division XIV (NH), PWD, Margao	As Assistant Surveyor of Works, Division XIV, PWD, Margao vice Shri Mahanand Shet, ASW transferred.
25.	Shri Ameya V. Lawande, Junior Engineer	Division XVII (WS), PWD, Porvorim	As Assistant Surveyor of Works, Division XI, PWD, Panaji vice Shri Umesh Borkar, ASW transferred.
26.	Shri Chanda Shankar Parwar (SC), Junior Engineer	Division XV, PWD, Ponda	As Assistant Engineer, SD-I, Division XV, PWD, Ponda in existing vacancy.

1	2	3	4
27.	Smt. Deeti G. Borker, Technical Assistant	Division XV, PWD, Ponda	As Assistant Surveyor of Works, Division XV, PWD, Ponda in existing vacancy.
28.	Shri Truptesh Kushendra Shirsat, Technical Assistant	Division IX (WS), PWD, Margao	As Assistant Surveyor of Works, Office of the Chief Engineer I, PWD, Altinho vice Shri Anand Mishra, AE transferred.
29.	Smt. Kashish Raosaheb Rane, Technical Assistant	Division XXIII (R), PWD, Bicholim	As Assistant Engineer, SD I, Division XXIV, PWD, Bicholim in existing vacancy.
30.	Shri Sarvesh R. Madkaikar, Technical Assistant	Division XI (QC), PWD, Panaji	As Assistant Surveyor of Works I, Division XXV, PWD, Margao in existing vacancy.
31.	Shri Rohan S. Dessai, Technical Assistant	Division XXV (R), PWD, Margao	As Assistant Engineer, SD II, Division XXV, PWD, Quepem in existing vacancy.
32.	Smt. Swati V. Sakhardande, Technical Assistant	Division IX (WS), PWD, Margao	As Assistant Engineer, SD-I, Division IX, PWD, Vasco in existing vacancy.
33.	Smt. Sridevi M. Badami, Junior Engineer	Division XVII (WS), PWD, Porvorim	As Assistant Surveyor of Works, SW-II (WSS), Technical Cell, Office of the Superintending Surveyor of Works, PWD, Altinho in existing vacancy.
34.	Shri Mahesh R. Naik Gaunekar, Junior Engineer	Division III (WS), PWD, St. Inez	As Assistant Engineer, SD-I, Division XXVI, PWD, Ponda in existing vacancy.
35.	Smt. Uma Neurenkar, Junior Engineer	Division XXVII (SW), PWD, St. Inez, Panaji	As Assistant Surveyor of Works, Technical Cell, PCE's office, PWD, Altinho in existing vacancy.
36.	Shri Casmiro C. S. Mascarenhas, Junior Engineer	Division XXIV (WS), PWD, Bicholim	As Assistant Surveyor of Works, Division XXIV, PWD, Bicholim vice Shri Xec Ussain, ASW transferred.
37.	Shri Pradeep Vasant Dessai, Junior Engineer	Division XIX (B), PWD, Sanguem	As Assistant Engineer, SD-III, Division IX, PWD, Margao in existing vacancy.
38.	Shri Leslie F. Colaco, Junior Engineer	Division VI (R), PWD, Margao	As Assistant Engineer, SD-III, Division I, PWD, Altinho vice Smt. Nalini Ajay, AE transferred.
39.	Shri Aneil A.C. Rodrigues, Junior Engineer	Division VI (R), PWD, Margao	As Assistant Engineer, SD-II, Division XXI, PWD, Vasco in existing vacancy.
40.	Shri Vitorino G. Sequeira, Junior Engineer	Division VII (NH), PWD, Panaji	As Assistant Engineer, SD II, Division VII, PWD, Mapusa vice Shri Dinesh Tare, AE transferred.
41.	Shri Vinayak J. Shenvi, Junior Engineer	Division XX (WS), PWD, Margao	As Assistant Surveyor of Works, Division XIX, PWD, Sanguem in existing vacancy.

1	2	3	4
42.	Shri Vincente B.S. Coelho Costa, Junior Engineer	Division XIV (NH), PWD, Margao	As Assistant Surveyor of Works, Office of the Superintending Engineer, C.O. IX, PWD, Altinho, in existing vacancy.
43.	Smt. Rosa Judith Carmel Sandra Santa Rita Lobo e Gonsalves, Junior Engineer	SW-I, Office of Superintending Surveyor of Works, PWD, Altinho	As Assistant Surveyor of Works, Office of the Chief Engineer II, PWD, Altinho vice Smt. Dafia Pandit, ASW transferred.
44.	Shri Chandrakant S. Paryenkar, Junior Engineer	Division I (B), PWD, Panaji	As Assistant Surveyor of Works, Office of the Superintending Engineer, C.O. I, PWD, Altinho in existing vacancy.
45.	Shri Prajesh P. Chodankar, Junior Engineer	Division II (R), PWD, Panaji	As Assistant Engineer, Revenue/NRW, SD-I, Division III, PWD, St. Inez in existing vacancy.
46.	Shri Marcel Neslie D'Silva, Junior Engineer	SD-II, Division VI (R), PWD, Margao	As Assistant Surveyor of Works II, Division VI, PWD, Margao vice Shri Meghashyam Naik, AE transferred.
47.	Shri Dayanand D. Phaldessai, Junior Engineer	Division VI (R), PWD, Margao	As Assistant Engineer, SD-II, Division VI, PWD, Margao vice Shri Tatoba Patil, AE transferred.
48.	Shri Rajeshwar M. Chodankar, Junior Engineer	Office of the Superintending Engineer, C.O. II, PWD, Altinho	As Assistant Engineer, SD IV, Division V, PWD, Pernem in existing vacancy.
49.	Shri Vinayak G. Bhat, Junior Engineer	Division VIII(B), PWD, Margao	As Assistant Engineer, SD-II, Division IX, PWD, Margao vice Shri Prasad Sakhardande, AE transferred.
50.	Smt. Maria de Jesus Savita Marlene Ferrao e Noronha, Junior Engineer	Office of Superintending Surveyor of Works, PWD, Altinho	As Assistant Surveyor of Works, Estate/Assessts/Record Cell, Office of the Superintending Engineer (Mon. & Eva.), PWD, Altinho in existing vacancy.
51.	Shri Zeelbarao L. Desai, Junior Engineer	Division XXIII (R), PWD, Bicholim	As Assistant Engineer, SD-V, Division I, PWD, Altinho in existing vacancy.
52.	Shri Dinesh T. Bhandari, Junior Engineer	Division XII (WS), PWD, Sanguem	As Assistant Engineer, SD-III, Division XVII, PWD, Calangute in existing vacancy.
53.	Shri Wilson Pereira, Junior Engineer	Division XVIII (R), PWD, Ponda	As Assistant Surveyor of Works, Division XXVIII, PWD, Margao in existing vacancy.
54.	Shri Maheshwar S. Opkar (ST), Junior Engineer	Division IX (WS), PWD, Margao	As Assistant Engineer, SD-III, Division XXVII, PWD, Porvorim in existing vacancy.

1	2	3	4
55.	Shri Deelip Tukaram Kerkar (ST), Junior Engineer	Division XXV (R), PWD, Margao	As Assistant Engineer, SD-I, Division XXV, PWD, Canacona in existing vacancy.
56.	Shri Dinkar Fatti Malekar (ST), Junior Engineer	Division III (WS), PWD, St. Inez	As Assistant Engineer, Revenue/NRW, SD I, Division XX, PWD, Curchorem in existing vacancy.
57.	Shri Praveen B. Zambaulikar (ST), Junior Engineer	Division I (B), PWD, Panaji	As Assistant Engineer, SD III, Division III, PWD, Banastari vice Shri Subhash Gaude, AE transferred.

All the above promoted officers shall hold the charge of respective posts of Technical Assistant/Junior Engineers until further orders or till the respective vacant posts are filled except Sr. No. 11, 14, 25, 33, 51 and 52.

The above promoted Officers will be on probation for a period of 2 years from the date of joining.

The deployment of the officers shown above on deputation to Goa Waste Management Corporation, Saligao and SIDCGL, Panaji is for a period of one year and shall be governed by the terms and conditions of the Government O.M. No. 13/4/74-PER dated 12-02-1999 and dated 11-01-2007 as amended from time to time of the Department of Personnel, Secretariat.

Further, the DPC recommends the following Technical Assistant (Civil)/Junior Engineers (Civil) for promotion to the post of Assistant Engineer/Assistant Surveyor of Works/Engineering Assistant (Civil) Group "B", Gazetted in the Pay Matrix Level-7 of the 7th Pay Commission, in the Public Works Department on officiating basis with immediate effect and post them in the places shown against their names in column No. 4 below.

Sr. No.	Name of the Officer	Present place of posting	Place of posting on promotion
1	2	3	4
1.	Shri Shivnath M. Gawas, Technical Assistant	Division XIII (R), PWD, Mapusa	As Assistant Engineer, SD-I, Division XIII, PWD, Pernem vice Shri Laxman V. Naik, AE transferred.
2.	Smt. Wendy Jennifer Mendes e Grao, Technical Assistant	Division V (B), PWD, Panaji	As Assistant Engineer, SD I, Division V, PWD, Panaji in existing vacancy.
3.	Shri Shailesh S. S. Usgaonkar, Technical Assistant	Division XX (WS), PWD, Margao	As Assistant Engineer, SD I, Division XX, PWD, Curchorem in existing vacancy.
4.	Shri Arvind A. Sawaikar, Technical Assistant	Division XXIII (R), PWD, Bicholim	As Assistant Engineer, Revenue/NRW, SD-II, Division XXIV, PWD, Valpoi in existing vacancy.
5.	Shri Thopil Sanjay, Technical Assistant	Division XXV (R), PWD, Margao	As Assistant Engineer, SD-IV, Division XXV, PWD, Sanguem in existing vacancy.
6.	Shri Sagar S. Shet, Technical Assistant	Division XIV (NH), PWD, Margao	As Assistant Engineer, SD III, Division XIV, PWD, Canacona in existing vacancy.
7.	Shri Hemant G. Desai, Technical Assistant	Division XXV (R), PWD, Margao	As Assistant Engineer, SD-III, Division XXV, PWD, Dharbandora in existing vacancy.

1	2	3	4
8.	Shri Pravin Devu Naik (OBC), Junior Engineer	Division XXV (R), PWD, Margao	As Assistant Surveyor of Works, Office of the Superintending Engineer (Legal), PWD, Altinho in existing vacancy.
9.	Shri Jose A. R. Caldeira, Junior Engineer	Division II (R), PWD, Panaji	As Assistant Engineer, SD II, Division XVII, PWD, Mapusa vice Shri Mahesh Keneudekar, AE transferred.
10.	Smt. Kosha Sajo @ Siddesh Gaonkar, Junior Engineer	Division VII (NH), PWD, Panaji	As Assistant Surveyor of Works, Division VII, PWD, Panaji in existing vacancy.
11.	Shri Ramanand M. Naik, Junior Engineer	Division XII (WS), PWD, Sanguem	As Assistant Surveyor of Works II, Division I, PWD, Panaji in existing vacancy.

All the above promoted officers on officiating basis shall hold the charge of respective posts of Technical Assistant/Junior Engineers until further orders or till the respective vacant posts are filled except Sr. No. 11.

All the above promoted officers shall exercise their option for pay fixation within a period of one month from the date of issue of this order under F.R. 22 (I) (a) (1).

Further, Government is pleased to order the transfer of the following Assistant Engineer/Assistant Surveyor of Works to the places shown against their names in column No. 4 below with immediate effect.

Sr. No.	Name of the Officer	Present place of posting	Place of posting on promotion
1	2	3	4
1.	Shri Guirish L. Sawant	Assistant Engineer, SD-IV, Division I, PWD, Junta House, Panaji	As Assistant Surveyor of Works, Office of the Superintending Engineer (Mon. & Eva.), PWD, Altinho vice Shri Pranshankar Mahajan, ASW transferred.
2.	Shri Prashankar Mahajan	Assistant Surveyor of Works, Office of the Superintending Engineer (Mon. & Eva.), PWD, Altinho	As Assistant Surveyor of Works, Division XXIII, PWD, Bicholim vice Smt. Rashmi Mayekar, ASW transferred.
3.	Smt. Nalini Ajay	Assistant Engineer, SD-III, Division I, PWD, Altinho	As Assistant Surveyor of Works, Office of the Superintending Engineer, C.O.II, PWD, Altinho in existing vacancy.
4.	Shri Digambar Naik	Assistant Engineer, SD-I, Division III, PWD, St. Inez	As Assistant Engineer, SD-V, Division V, PWD, Porvorim in the existing vacancy.
5.	Shri Subhash Gaude	Assistant Engineer, SD-III, Division III, PWD, Banastarim	As Assistant Engineer, SD-II, Division XXVI, PWD, Ponda in the existing vacancy.
6.	Shri Mahanand Shet	Assistant Surveyor of Works, Division XIV, PWD, Margao	As Assistant Engineer, SD-I, Division II, PWD, Panaji in the existing vacancy.

1	2	3	4
7.	Shri Laxman Naik	Assistant Engineer, SD-I, Division XIII, PWD, Pernem	As Assistant Surveyor of Works, Office of the Chief Engineer, NH R&B, PWD, Altinho in the existing vacancy.
8.	Shri Devesh Tanna	Assistant Surveyor of Works-I, Division XVII, PWD, Porvorim	As Assistant Surveyor of Works, Road Engineering Cell, Office of the Chief Engineer, NH R&B, PWD, Altinho in the existing vacancy.
9.	Shri Nolasco A. Pereira	Assistant Engineer, SD-III, Division VIII, PWD, Vasco	As Assistant Engineer, SD-I, Division I, PWD, Panaji in the existing vacancy.
10.	Shri Naresh Hede (M/E)	Assistant Surveyor of Works II, Division XX, PWD, Margao	As Assistant Engineer, WTP, SD-II, Division XII, PWD, Sanguem in the existing vacancy
11.	Shri Meghashyam Naik	Assistant Surveyor of Works-II, Division VI, PWD, Margao	As Assistant Engineer, SD-II, Division I, PWD, Porvorim in existing vacancy.
12.	Shri Tatoba Patil	Assistant Engineer, SD II, Division VI, PWD, Margao	As Assistant Surveyor of Works, Office of the Superintending Engineer, C.O. IV, PWD, Margao in existing vacancy.
13.	Shri Jayanand Madkaikar	Assistant Surveyor of Works-I, Division V, PWD, Panaji	As Assistant Engineer, SD-II, Division II, PWD, Panaji on existing vacancy.
14.	Shri Mahesh Kenavdekar	Assistant Engineer, SD II, Division XVII, PWD, Mapusa	As Assistant Surveyor of Works-I, Division XVII, PWD, Porvorim vice Devesh Tanna, ASW transferred.
15.	Shri Vassudev Parab	Assistant Engineer, SD IV, Division XVII, PWD, Porvorim	As Assistant Surveyor of Works-II, Division V, PWD, Panaji in existing vacancy.
16.	Shri Augusto Pereira	Assistant Engineer, SD I, Division VIII, PWD, Fatorda	As Assistant Surveyor of Works, Estate/Assests/Records Cell, Office of the Superintending Engineer (Mon. & Eva.), PWD, Altinho in existing vacancy.
17.	Shri Soma Naik	Assistant Engineer, SD-II, Division XXIV, PWD, Valpoi	As Assistant Engineer, SD I, Division XVII, PWD, Pernem in existing vacancy.
18.	Shri Dinesh Tare	Assistant Engineer, SD-II, Division VII, PWD, Mapusa	As Assistant Engineer, SD-III, Division VII, PWD, Colvale in existing vacancy.

1	2	3	4
19.	Shri Xec Ussain	Assistant Surveyor of Works, Division XXIV, PWD, Bicholim	As Assistant Surveyor of Works, SW-I (R&B), Technical Cell, Office of the Superintending Surveyor of Works, PWD, Altinho in existing vacancy.
20.	Shri Yeshwant Mapari	Assistant Engineer, SD-IV, Division III, PWD, Daag, Ponda	As Assistant Engineer, SD I, Division III, PWD, St. Inez vice Shri Digambar Naik, AE transferred.
21.	Smt. Dafia Pandit	Assistant Surveyor of Works, Office of the Chief Engineer II, PWD, Altinho	As Assistant Surveyor of Works, Office of the Superintending Engineer, C.O. I, PWD, Altinho in existing vacancy.
22.	Shri Prasad Sakhardande	Assistant Engineer, SD II, Division IX, PWD, Margao	As Assistant Surveyor of Works, Division XXI, PWD, Margao in existing vacancy.
23.	Shri Anand Mishra	Assistant Surveyor of Works, Office of the Chief Engineer I, PWD, Altinho	As Assistant Engineer, SD VI, Division I, PWD, Secretariat, Porvorim.
24.	Shri Jose S.B. Mascarenhas	Assistant Surveyor of Works, Office of the Superintending Engineer C.O. IV, PWD, Margao	As Assistant Engineer, SD I, Division XXI, PWD, Margao in existing vacancy.
25.	Shri Umesh Borkar	Assistant Surveyor of Works, Division XI, PWD, Panaji	As Assistant Surveyor of Works, Office of the Engineering Officer, PWD, Altinho vice Reena Prassan Kumar, ASW transferred.
26.	Shri Yatin Y. Naik (M/E)	Assistant Engineer, SD III, Division XXII, PWD, Ponda	As Assistant Engineer, SD II, Division XXII, PWD, Margao vice Shri Manuel Fernandes, AE transferred.
27.	Shri Manuel Fernandes (M/E)	Assistant Engineer, SD II, Division XXII, PWD, Margao	As Assistant Engineer, SD III, Division XXII, PWD, Ponda vice Shri Yatin Naik, AE transferred.
28.	Reena Prassan Kumar	Assistant Surveyor of Works, Office of the Engineering Officer, PWD, Altinho	As Assistant Engineer, Revenue/NRW, SD II, Division IX, PWD, Borda in existing vacancy.
29.	Shri Robert D'Souza	Assistant Surveyor of Works-I, Division XIII, PWD, Mapusa	As Assistant Surveyor of Works, Office of the Chief Engineer II, PWD, Altinho in existing vacancy.

1	2	3	4
30.	Smt. Rashmi Mayekar	Assistant Surveyor of Works, Division XXIII, PWD, Bicholim	As Assistant Engineer, SD III, Division XXIII, PWD, Bicholim in existing vacancy.

The Controlling Authority shall relieve the concerned officers immediately.

By order and in the name of the Governor of Goa.

Uttam P. Parsekar, Principal Chief Engineer (PWD) & ex officio Addl. Secretary.

Panaji, 2nd February, 2023.

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